2010 Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons

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Working paper of the Chair of subsidiary body III: conclusions and recommendations

Article IX

1. The Conference reaffirms that the preservation of the integrity of the Treaty, achieving its universality and its strict implementation are essential to regional and international peace and security.

2. The Conference reaffirms the commitment of the parties to the Treaty to achieve its universality. States parties express their concern regarding the lack of progress in the achievement of its universality and in the implementation of the resolution on the Middle East adopted at the 1995 Review and Extension Conference, which seriously undermines the Treaty and represents a threat to regional and international peace and security.

3. The Conference reaffirms that in accordance with article IX, States not party to the Treaty can only accede to the Treaty as non-nuclear-weapon States and should do so promptly and without conditions.

4. The Conference calls upon India, Israel and Pakistan to accede to the Treaty as non-nuclear-weapon States, promptly and without conditions, thereby accepting an internationally legally binding commitment not to acquire nuclear weapons or other nuclear explosive devices, to apply full scope International Atomic Energy Agency (IAEA) safeguards on all their nuclear activities and to refrain from any action that could undermine regional and international peace and security and the international community's efforts to achieve nuclear disarmament and the prevention of nuclear weapons proliferation.

5. The Conference reaffirms that existing or new supply arrangements for the transfer of source or special fissionable material or equipment or material especially designed or prepared for the processing, use or production of special fissionable material should require, as a necessary precondition, acceptance of full scope IAEA safeguards and international legally binding commitments not to acquire nuclear weapons or other nuclear explosive devices.

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Article X

6. The Conference reaffirms that each party shall, in exercising its national sovereignty, have the right to withdraw from the Treaty if it decides that extraordinary events related to the subject matter of the Treaty have jeopardized its supreme interests. The Conference also reaffirms that pursuant to article X notice of such withdrawal shall be given to all other parties of the Treaty and to the Security Council three months in advance, and that such notice shall include a statement of the extraordinary events the State party regards as having jeopardized its supreme interests.

7. The Conference reaffirms that the right of withdrawal is established in the provisions of the Non-Proliferation Treaty and other relevant international law. It further underscores that under international law a withdrawing party is still responsible for violations of the Treaty committed prior to its withdrawal, and that if done in accordance with the provisions of the Treaty, such withdrawal would not affect any right, obligation or legal situation between the withdrawing State and each of the other States parties created through the execution of the Treaty prior to its withdrawal, including those related to the required IAEA safeguards.

8. Without prejudice to the legal consequences of the withdrawal and to the status of compliance by the withdrawing State, the Conference calls upon all States parties to undertake consultations immediately, as well as regional diplomatic initiatives. Given the particular circumstances envisaged in article X for the exercise of the right to withdraw, the Conference reaffirms the responsibility entrusted to the Security Council under the Charter of the United Nations.

9. The Conference acknowledges that nuclear supplying States can consider incorporating dismantling and/or return clauses in the event of the withdrawal, in arrangements or contracts concluded with other State parties, as appropriate, in accordance with international law and national legislation.

Further strengthening the review process of the Treaty

10. The States parties reaffirmed the purpose of the review process as set out in the relevant decisions of the 2000 Review Conference and the 1995 Review and Extension Conference. In the context of the latter, mindful of the undertaking that the review conferences should also address specifically what might be done to strengthen the implementation of the Treaty and to achieve its universality, the Review Conference sets out the decisions and recommendations below.

1. Informal "Chairs' circle" of Non-Proliferation Treaty meetings: Chairs, Chairs of the Main Committees and President of the Review Conference

11. The Review Conference recommends that past, incumbent and incoming Chairs (or the President in the case of a review conference) of Non-Proliferation Treaty meetings, as well as the Chairs of the Main Committees of the previous Review Conference, meet as often as necessary and as circumstances allow, either in person or virtually, to ensure optimal coordination and continuity throughout the review cycle, by sharing best practices and providing advice to the incumbent and incoming Chairs/President. Participation at these meetings will be voluntary and the costs associated with these meetings will be the responsibility of the participants or third parties, and not of the States parties.

2. Treaty Support Unit

12. The Review Conference decides that a Treaty Support Unit will be established, co-located within the United Nations Office for Disarmament Affairs and comprised initially of one Treaty officer. The officer would be responsible for assisting and facilitating Treaty meetings and intersessional work on a full-time basis in order to provide, inter alia, substantive, administrative, logistical and representative support. The officer would support the incumbent Chair and the "Chairs' Circle", providing advice, background documentation and analysis, as well as coordination with States parties, other non-governmental entities and United Nations agencies. The officer would also promote activities related to the Treaty and, along with the existing support of the Office for Disarmament Affairs and IAEA, prepare for the preparatory committee meetings and the review conferences.

13. The costs associated with the Treaty Support Unit officer will be funded from within the existing assessed contributions by States parties to the Treaty and within existing resources of the review conferences, as well as with additional voluntary contributions by States in a position to do so. Specifically, the Secretary-General of the review conference is requested, in the context of other efficiencies in expenses, to find economies within the next review cycle budget of the Treaty to ensure that the position be funded without any additional assessed costs to States parties.

3. Continued efforts towards improving the effectiveness of the strengthened review process

14. The Review Conference affirmed that improving the effectiveness of the strengthened review process is an ongoing responsibility of States parties and therefore decides to put this issue on the agenda for consideration at the first meeting of the Treaty during the next review cycle. The States parties also recommend that the 2015 Review Conference review the decisions and recommendations made in this context and consider whether there should be further agreed measures.